4 August 2022

**From the Baran Tursun International Foundation for Disarmament, Right to Life, Freedom, Democracy, Peace and Solidarity**

**Submission to the UN Committee on the Rights of the Child**

**For the Pre-Session and Prior to Adoption of the List of Issues**

**91st Pre-session (7 February to 11 February 2022)**

**Turkey**

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Report of Violations of Right to Life as a Result of Disproportionate Use of Force by Law Enforcement Officials

**THEY DIDN’T HAVE TO DIE**

Reporters

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# Summary

With the Law No. 5681 dated 02.06.2007, some amendments were made in Law of Police Powers (LPP) No. 2559 for reasons such as “a very rapid increase in terrorism, complaints and crime rates”. The legal basis for the power “to stop and ask for identification”, which was regulated in the “Regulation on Judiciary and Prevention Searches” (RJPS) dated 01.06.2005, was created especially with the Article 16 titled “Use of Force and Weapon”. There was an unlawful use of power before that date.

Concepts such as **“reasonable doubt, foresight and discretion”** were reformulated with some amendments made in the Law No. 6638, which entered into force on 27.03.2015 with the name “Law Amending the Law of Police Powers, Gendarmerie Organization, Duties and Powers Law and Some Other Laws” and known by the public as Internal Security Law.

Due to lack of adequate training for law Enforcement Officials regarding abstract concepts such as reasonable doubt, foresight and discretion, more than 400 cases that, in fact, should have been processed according to the Law of Misdemeanors have resulted in death as a result of the fact that each law enforcement officer attributes a meaning to the Article 16 of the LPP, which regulates the authorization to use weapons by law Enforcement Officials, and therefore each law enforcement officer takes an action according to this, despite a regulation was made on the reasons, subjects and purposes of stopping and asking for identification, the form, duration and form of the procedure.

In cases that resulted in the deaths of civilians, including children and women, the right to life of the suspects was abolished although there was no attack and violence against the police, no armed conflict with the police, no response to the government’s influence and actions with weapons, and no violence and rape that endanger the life and property of others.

As a result of these severe violations of rights, serious perceptions have emerged in the society that law Enforcement Officials can at any time use violence, shoot with a gun, and kill anyone who continues his in daily life or opposes the Law of Misdemeanors.

The society has a strong perception both about the violations of the right to life and that the disproportionate force exerted by the police against the awareness of claiming rights and social reflexes in the society goes unpunished. The fact that administrative mechanisms ignore the obligation of law Enforcement Officials to comply with the “proportionality and necessity” criteria of international human rights law, and the perception of protecting and guarding the criminal created by the statements of bureaucrats in executive positions play an important role in the formation of these perceptions.

**Children whose Rights to Life are Violated by the Law Enforcement**

With the amendment made in the Law of Police Powers in 2007 and 2015, new powers were given to the police based on abstract concepts. Assigning some meanings to abstract concepts in their own right, the police violated the right to life of 93 children under the age of 18, including babies, within the framework of their activities.[[1]](#footnote-1)

Another phenomenon encountered in cases that result in the death of children is “impunity”, just like adult deaths. It appears that a comprehensive and deterrent investigation was not carried out, those responsible were not identified, and investigations and prosecutions were not carried out effectively.[[2]](#footnote-2) 93 cases detected by Baran Tursun Foundation are listed in Table 1 below.

In the table below, a large proportion of deaths are point and shoot deaths, it is seen that the security forces, who need to pay extra attention and attention to the reactions of children, almost never take this issue into consideration, and it is also noteworthy that children are reacted and treated like adults.



It is also seen here that adolescents are disproportionately targeted by the police and treated as a security threat.



Most of the children killed are male.



Most of the children were victims of extrajudicial killings in the southeast of Turkey where the majority of the Kurdish minority lives. For example, in Diyarbakir over the years police killed 17 children and in Sirnak 32 children.

Here in this chart, we can see that the police killed most of the children after the government ended a period of peace process with the Kurdish minority. Extrajudicial killings of children were the lowest during the peace process from 2010 to 2013.

**Table - Children killed by the law enforcement**

|  | Name of the Child | Age | Gender | Date of Incident | Place of Incidence | Cause of death |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | **YAŞAR ALPERAN SAVAŞ** | **17** | Male | 23.12.2019 | Samsun | Shot dead on the grounds of not obeying the stop warning of the police |
| 2 | **CİHAN SEYHAN** | **17** | Male | 12.12.2018 | Istanbul | Shot dead on the grounds of not obeying the stop warning of the police |
| 3 | **EKREM GÖRKEM** | **16** | Male | 14.01.2018 | Gaziantep | Shot dead on the grounds of not obeying the stop warning of the police |
| 4 | Unkown | 4 |  | 28.12.2017 | Diyarbakır | Run over by an armored vehicle used by the police. |
| 5 | **FELEK BATUR** | **7** | Male | 21.10.2017 | Siirt | Run over by an armored vehicle used by the police. |
| 6 | **YİĞİTCAN CAMGÖZ** | **14** | Male | 25.09.2017 | İzmir | Killed by the police using disproportionate force/restraint/violence |
| 7 | **RAŞİD OSO** | **8** | Male | 01.08.2017 | Istanbul | Run over by an armored vehicle used by the police. |
| 8 | **TAHA KILIÇ** | **4** | Male | 24.07.2017 | Van | Run over by an armored vehicle used by the police. |
| 9 | **FURKAN YILDIRIM** | **6** | Male | 02.05.2017 | Silopi/Şırnak | Run over by an armored vehicle used by the police. |
| 10 | **MUHAMMED YILDIRIM** | **7** | Male | 02.05.2017 | Silopi/Şırnak | Run over by an armored vehicle used by the police. |
| 11 | **OĞUZHAN ERKUL** | **18** | Male | 14.04.2017 | Şırnak | Shot dead on the grounds of not obeying the stop warning of the police |
| 12 | **BARIŞ KEREM** | **19** | Male | 14.04.2017 | Batman | Shot dead on the grounds of not obeying the stop warning of the police |
| 13 | **BERFİN DİLEK** | **7** | Female | 09.02.2017 | Dargeçit/Mardin | Run over by an armored vehicle used by the police. |
| 14 | **HAKAN SARAK** | **5** | Male | 24.10.2016 | Cizre/Şırnak | Run over by an armored vehicle used by the police. |
| 15 | **MUSTAFA DUMAN** | **17** | Male | 30.08.2016 | Van | Shot and killed by the police. |
| 16 | **FERİT İLİ** | **17** | Male | 18.07.2016 | Antalya | Shot dead by the police |
| 17 | **ZELİHA CUMA** | **7** | Female | 19.05.2016 | Istanbul | Shot dead by the police |
| 18 | **TANSU ÇAKI** | **18** | Male | 29.04.2016 | Istanbul | Shot dead by the police |
| 19 | **HÜSEYİN BARUT** | **8** | Male | 24.04.2016 | Bismil/Diyarbakır | Run over by an armored vehicle used by the police. |
| 20 | **SEMRA ÇELİK** | **17** | Female | 05.04.2016 | Diyarbakır | Shot and killed by the police. |
| 21 | **MUĞDAT AY** | **12** | Male | 14.02.2016 | Nusaybin/Mardin | Shot and killed by the police |
| 22 | **MAHMUT BULUK** | **16** | Male | 09.02.2016 | Diyarbakır | Shot and killed by the police. |
| 23 | **MAHMUT ÇAKIR** | **16** | Male | 03.02.2016 | Adana | Shot and killed by the police. |
| 24 | **HAYRETTİN ŞINIK** | **11** | Male | 16.01.2016 | Cizre/Şırnak | Killed as a result of the gas canister used by the police. |
| 25 | **YAKUP ISIRGN** | **18** | Male | 15.01.2016 | Cizre/Şırnak | Shot and killed by the police. |
| 26 | **NİDAR SÜMER** | **17** | Male | 07.01.2016 | Cizre/Şırnak | Shot and killed by the police. |
| 27 | **BİŞENG GORAN** | **12** | Female | 05.01.2016 | Cizre/Şırnak | Shot and killed by the police. |
| 29 | **RAMAZAN ÖĞÜT** | **16** | Male | 31.12.2015 | Sur/Diyarbakır | Shot and killed by the police. |
| 30 | **HÜSEYİN ERTENE** | **16** | Male | 28.12.2015 | Cizre/Şırnak | Shot and killed by the police. |
| 31 | **MİRAY İNCE** | **3 month old** | Female | 25.12.2015 | Cizre/Şırnak | Shot and killed by the police. |
| 32 | **DAVUT ÖZER** | **15** | Male | 22.12.2015 | Adana | Shot and killed by the police. |
| 33 | **ŞİYAR SALMAN** | **18** | Male | 15.12.2015 | Bağlar/Diyarbakır | Shot and killed by the police. |
| 34 | **İBRAHİM AKAN** | **15** | Male | 18.12.2015 | Cizre/Şırnak | Shot and killed by the police. |
| 35 | **ÇETİN TAŞAR** | **18** | Male | 31.12.2015 | Şırnak | Shot and killed by the police. |
| 36 | **HAKAN DOĞAN** | 15 | Male | 07.12.2015 | Nusaybin/Mardin | Shot and killed by the police. |
| 37 | **ÇEKVAR ÇUBUK** | 16 | Male | 02.12.2015 | Diyarbakır | Shot and killed by the police, alleged to be a “terrorist” |
| 38 | **SELMAN AĞAR** | **10** | Male | 02.12.2015 | Cizre/Şırnak | Shot and killed by the police sniper |
| 39 | **NASİP YEŞİL** | **18** | Male | 27.11.2015 | Silopi/Şırnak | Shot and killed by the police. |
| 40 | **FERHAT DOĞRU** | **18** | Male | 06.11.2015 | Sur/Diyarbakır | Shot and killed by the police. |
| 41 | **MUSTAFA AŞLIĞ** | 16 | Male | 25.10.2015 | Şırnak | Shot and killed by the police in an operation |
| 42 | **İDRİS CEBE** | **18** | Male | 12.10.2015 | Dargeçit/Mardin | Shot and killed by the police. |
| 43 | **HELİN ŞEN** | **12** | Female | 10.10.2015 | Sur/Diyarbakır | Shot and killed by the police. |
| 44 | **ÖMER KOÇ** | **16** | Male | 04.10.2015 | Bağlar/Diyarbakır | Shot and killed by the police. |
| 45 | **BERAT GÜZEL** | **12** | Male | 02.10.2015 | Bismil/Diyarbakır | Shot and killed by the police. |
| 46 | **BİLAL MENGİL** | **15** | Male | 28.09.2015 | Silvan/Diyarbakır | Shot and killed by the police |
| 47 | **BÜNYAMİN İRCİ** | **14** | Male | 10.09.2015 | Cizre/Şırnak | Shot and killed by the police. |
| 48 | **SELAMAN AĞAR** | **10** | Male | 09.09.2015 | Cizre/Şırnak | Shot and killed by the police. |
| 49 | **ZEYNEP TAŞKIN** | **17** | Female | 07.09.2015 | Cizre/Şırnak | Shot and killed by the police. |
| 50 | **SAİT NACİ** | **16** | Male | 07.09.2015 | Cizre/Şırnak | Shot dead on the grounds of not obeying the stop warning of the police |
| 51 | **OSMAN ÇAĞLI** | **18** | Male | 07.09.2015 | Cizre/Şırnak | Shot and killed by the police. |
| 52 | **CEMİLE ÇAĞIRCA** | **10** | Female | 07.09.2015 | Cizre/Şırnak | Shot and killed by the police. |
| 53 | **AYTEN GÜLHAN** | **18** | Female | 05.09.2015 | Tunceli | Died, caught between conflicting parties |
| 54 | **BARAN ÇAĞLI** | **7** | Male | 28.08.2015 | Cizre/Şırnak | Shot and killed by the police. |
| 55 | **ADEM İRTEGÜN** | **16** | Male | 29.08.2015 | Yüksekova/Hakkari | Shot and killed by the police. |
| 56 | **FIRAT ELMA** | **16** | Male | 18.08.2015 | Istanbul | Shot and killed by the police. |
| 57 | **MUHAMMED AYDEMİR** | **15** | Male | 12.08.2015 | Diyadin/Ağrı | Shot and killed by the police. |
| 58 | **ORHAN ASLAN** | **16** | Male | 12.08.2015 | Diyadin/Ağrı | Shot and killed by the police. |
| 59 | **HIDIR TAMBOĞA** | **17** | Male | 07.08.2015 | Silopi/Şırnak | Shot and killed by the police. |
| 60 | **HASAN NERE** | **17** | Male | 29.07.2015 | Cizre/Şırnak | Shot and killed by the police. |
| 61 | **SERHAT SAVAŞ** | **15** | Male | xx.10.2014 | Istanbul | Killed by the tear gas canister used by the police. |
| 62 | **NİHAT KAZANHAN** | **12** | Male | 13.01.2015 | Cizre/Şırnak | Shot and killed by the police. |
| 63 | **ÜMİT KURT** | **14** | Male | 06.01.2015 | Cizre/Şırnak | Shot and killed by the police. |
| 64 | **KADRİ ÇAKMAK** | **16** | Male | 16.12.2014 | Diyarbakır | Shot and killed by the police. |
| 65 | **ROJHAT ÖZDEL** | **18** | Male | 06.12.2014 | Yüksekova | Shot and killed by the police. |
| 66 | **FURKAN ÇAVUŞ** | **14** | Male | 17.07.2014 | Erzurum | Shot and killed by the police. |
| 67 | **İBRAHİM ARAS** | **15** | Male | 15.06.2014 | Adana | Killed by the tear gas canister used by the police. |
| 68 | **LÜTFULLAH TACİK** | **17** | Male | 31.05.2014 | Van | Killed, beaten by the police at the police station. |
| 69 | **BERKİN ELVAN** | **16** | Male | 11.03.2014 | Karaman (Istanbul?) | Killed by the tear gas canister used by the police. |
| 70 | **SİNAN SALTIKALP** | **17** | Male | 25.08.2013 | Cizre/Şırnak | Run over by an armored vehicle used by the police. |
| 71 | **TUĞRUL CİMLİ** | **17** | Male | 14.05.2013 | Ayvalık/Balıkesir | Shot and killed by the police |
| 72 | **MAZLUM AKAY** | **11** | Male | 29.07.2012 | Adana | Died after being affected by the gas bomb used by the police. |
| 73 | **YUSUF YILAN** | **9** | Male | 14.06.2012 | Erzurum | Run over by an armored vehicle used by the police. |
| 74 | **ÖZGÜR TAŞAR** | **17** | Male | 04.06.2012 | Yüksekova | Shot and killed by the police |
| 75 | **DOĞAN TEYBOĞA** | **13** | Male | 24.07.2011 | Silopi/Şırnak | Killed by the tear gas canister used by the police. |
| 76 | **İBRAHİM ORUÇ** | **17** | Male | 20.04.2011 | Diyarbakır | Shot and killed by the police |
| 77 | **DİREN BASAN** | **10** | Male | 04.06.2010 | Şırnak | Run over by an armored vehicle used by the police. |
| 78 | **EMRAH GEZER** | **18** | Male | 23.08.2008 | Ankara | Shot and killed by the police |
| 79 | **ÖZGE KEYİKÇİ** | **13** | Female | 19.10.2009 | Kütahya | Shot and killed by the police |
| 80 | **MEHMET UYTUM** | **2** | Male | 10.12.2009 | Şırnak/Cizre | Killed by the tear gas canister used by the police. |
| 81 | **ENES ATA** | **8** | Male | 30.3.2007 | Diyarbakır | Shot and killed by the police |
| 82 | **ABDULSAMET ERİP** | **14** | Male | 23.04.2009 | Hakkari | Killed by the tear gas canister used by the police. |
| 83 | **İBRAHİM H. ÇOBAN** | **17** | Male | 27.10.2008 | Şanlıurfa | Shot dead on the grounds of not obeying the stop warning of the police |
| 84 | **FEVZİ ABİK** | **15** | Male | 12.08.2008 | Adana | Shot and killed by the police |
| 85 | **ÇAĞDAŞ GEMİK** | **17** | Male | 27.10.2008 | Antalya | Shot dead on the grounds of not obeying the stop warning of the police |
| 86 | **YAHYA MENEKŞE** | **16** | Male | 15.02.2008 | Şırnak/Cizre | Run over by an armored vehicle used by the police. |
| 87 | **FURKAN AKŞİL** | **12** | Male | 2008 | Şırnak/Silopi | Shot and killed by the police |
| 88 | **EMRAH DERVİŞOĞLU** | **17** | Male | 08.01.2008 | Istanbul | Shot dead on the grounds of not obeying the stop warning of the police |
| 89 | **UĞUR ÇETİN** | **17** | Male | 12.12.2007 | Adana | Shot and killed by the police |
| 90 | **FAHRETTİN ŞEDAL** | **16** | Male | 10.04.2007 | Hakkari | Shot and killed by the police |
| 91 | **MAHSUN MIZRAK** | **14** | Male | 2007 | Diyarbakır | Died in detention at the police station. |
| 92 | **SONER CANKAL** | **17** | Male | 2007 | Ankara | Killed by the tear gas canister used by the police. |
| 93 | **MEHMET AKBULUT** | **17** | Male | 2007 | Diyarbakır | Killed by the tear gas canister used by the police. |

1. Baran Tursun Foundationdata bank (-18) child deaths:

   http://www.baransav.com/?pnum=722&pt=LPP+Kapsam%C4%B1nda+%C3%B6len+18+ya%C5%9F% C4%B1ndan+k%C3%BC%C3%A7%C3%BCk+%C3%A7ocuklar+RAPOR [↑](#footnote-ref-1)
2. Istanbul Deputy - Parliamentary Question on Child Deaths: https://www.tbmm.gov.tr/develop/owa/yazili\_sozlu\_soru\_gd.onerge\_bilgileri?kanunlar\_sira\_no=1 91026 [↑](#footnote-ref-2)